

al.”) and U.S. Patent No. 6,272,166 (“Dabak”). Claims 16-21 are allowed. Claims 4, 7, 8, 10, 14, and 15 are indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge the allowance of these claims.

The Office Action also requires that Figs. 1 and 2 be labeled “Prior Art”. Submitted herewith are proposed amendments to Figs. 1 and 2. Approval is respectfully requested.

With regard to Claims 1-3, 5-6, and 9, it is submitted that the combination of applicants’ admitted prior art and LaDue fails to disclose, suggest or teach every element claimed in Claim 1. LaDue discloses transmitting data via a reverse control channel RECC. Thus, among other things, LaDue fails to disclose or suggest ^{generation} transmission of data via a common channel in a suspended state. Accordingly, LaDue fails to show at least the Claim 1 recitations of “determining a parameter value specifying an attribute of the generated user data and comparing the parameter value with a predefined reference value *when the user data to be transmitted is generated in the suspended state*” and “transmitting the user data *via a common channel* when the parameter value is lower than the predefined reference value”.

Thus, without conceding that such a combination is proper, combination of applicants’ admitted prior art and LaDue fails to disclose at least the above-noted recitations of Claim 1 and consequently fails to present a prima facie case of obviousness with respect to Claim 1. Reconsideration and allowance of independent Claim 1 is thus respectfully requested.

Without conceding the patentability per se of dependent Claims 2, 3, 5, 6 and 9, it is submitted that they are likewise allowable by virtue of their dependencies on independent Claim 1. Accordingly, allowance of Claims 2, 3, 5, 6 and 9 is also respectfully requested.

With regard to Claims 11-13, it is submitted that the combination of applicants' admitted prior art, Gardner and Dabak fails to disclose, suggest or teach every element claimed in independent Claim 11. According to the Applicants' description of the prior art, when user data to be transmitted is generated while in the suspended state, the dedicated control channel and the dedicated traffic channel are again established and there is a transition back to the active state for transmission of the data. The control channel and the traffic channel must be re-assigned via a negotiation. (See Application, page 5 (lines 21-24) and page 7 (lines 18-22))

Neither Gardner nor Dabak discloses receiving user data in a suspended state as recited in Claim 11. In the Office Action, a suspended state recited in Claim 11 is said to be shown by Gardner's half-duplex transceiver operating in an Aloha scheme. However, this only shows using reduced power for transmission, which is not a "suspended state" involving release of a dedicated control channel when data to be transmitted or received is not generated for a period of time. Thus, Gardner fails to disclose at least the Claim 1 recitation of "releasing the dedicated control channel and transitioning to a suspended state to receive the user data via a common channel when the user data to be transmitted or received is not generated for a second predefined time in the control hold state", as well as "receiving the user data in the suspended state".

Thus, without conceding that such a combination is proper, combination of applicants' admitted prior art, Gardner and Dabak fails to disclose at least the above-noted recitations of Claim 11 and consequently fails to present a prima facie case of obviousness with respect to Claim 11. Reconsideration and allowance of independent Claim 11 is thus respectfully requested.

Without conceding the patentability per se of dependent Claims 12 and 13, it is submitted that they are likewise allowable by virtue of their dependencies on independent Claim 11. Accordingly, allowance of Claims 12 and 13 is also respectfully requested.

As noted, Applicants gratefully accept the acknowledgment given in the Office Action that Claims 4, 7, 8, 10, 14 and 15 have allowable subject matter and that Claims 16-21 are allowed. However, in view of the above arguments, Applicants believe that all pending claims, namely Claims 1-21, are in condition for allowance. If the Examiner has any questions regarding this communication or feels that an interview would be helpful in prosecuting this application, the Examiner is requested to contact the undersigned.

Respectfully submitted,


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